IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 1ST OCTOBER 2007 / 9TH ASWINA 1929

Bail Appl..No. 5913 of 2007()

CC.384/2003 of J.M.F.C.,PARAPPANANGADI
CRIME NO.25/03 OF TANNUR POLICE STATION

.....

: PETITIONER/IST ACCUSED

K.C.MOHANAN,S/O.ANANTAN,
KARTHIADATHU HOUSE,KOTTADI,
P.O. PUZHATHI,KANNUR DISTRICT.

BY ADV. SRI.C.P.PEETHAMBARAN

RESPONDENTS: COMPLAINANT

STATE OF KERALA
REPRESENTING S.H.O.,TANNUR POLICE STATION
MALAPPURAM DIST.,THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.5913 of 2007

Dated this the 1st day of October, 2007

ORDER

Application for anticipatory bail. The petitioner faces indictment in a prosecution under Section 420 I.P.C. Crime was registered on the basis of a private complaint referred to the police by the learned Magistrate under Section 156(3) Cr.P.C. In that pending proceedings, there was an attempt for settlement. Matter was referred to the Lok Adalat. The matter was not settled. When the case was posted for trail, the petitioner was absent. Thereupon a warrant of arrest has been issued against the petitioner. The absence of the petitioner was on 18.07.07.

2. According to the petitioner, he is absolutely innocent. His absence was not wilful or deliberate. The petitioner is willing to surrender before the learned Magistrate, apply for bail and co-operate with the court for expeditious disposal of the case. But the petitioner apprehends that his application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. It is therefore prayed that directions under Section 438 and/or 482 Cr.P.C may be issued in favour of the petitioner.

3. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

4. This bail application is, in these circumstances, dismissed, but with the specific observation that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

5. Hand over a copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

rtr/-